

JUDGE FRANKLIN D. BURGESS

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,	)	NO. CR06-5543FDB
	)	
Plaintiff,	)	
	)	ORDER GRANTING UNOPPOSED
vs.	)	MOTION TO CONTINUE TRIAL
	)	DATE
RUSTY REX REAN,	)	
	)	
Defendant.	)	
_____	)	

Based on the stipulated motion of the parties to continue the trial date, and the affidavit of defense counsel in support of the motion, the Court makes the following findings of fact and conclusions of law:

1. The ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

2. Proceeding to trial absent adequate time for the defense to prepare would result in a miscarriage of justice. 18 U.S.C. §3161(h)(8)(B)(I).

3. The defense needs additional time to explore issues of some complexity, including all relevant issues and defenses applicable to the case, which would make it unreasonable to expect adequate preparation for pretrial proceedings or for trial itself within the time limits established by the Speedy Trial Act and currently set for this case. 18 U.S.C. § 3161(h)(8)(B(ii)).

1 4. Taking into account the exercise of due diligence, a continuance is necessary  
2 to allow the defendant the reasonable time for effective preparation of his defense. 18  
3 U.S.C. § 3161(h)(8)(B)(iv).

4 NOW, THEREFORE,

5 IT IS HEREBY ORDERED that the trial date is continued from November 13,  
6 2006 to January 22, 2007. The resulting period of delay from November 13, 2006, up to  
7 and including the new trial date of January 22, 2007, is hereby excluded for speedy trial  
8 purposes under 18 U.S.C. § 3161(h)(8)(A) and (B).

9 DONE this 1<sup>st</sup> day of November, 2006.

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15 FRANKLIN D. BURGESS

16 UNITED STATES DISTRICT JUDGE

17 Presented by:

18  
19 /s/ \_\_\_\_\_

20 Linda R. Sullivan

21 Attorney for Defendant

22 /s/ \_\_\_\_\_

23 Kent Liu

24 Assistant United States Attorney